

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LYNN DINORSCIA; MARGARET D. FRITZ;
RHONDA A. PAYNE; RUTH J. WILLIAMS;
AND TIFFANY R. WILSON,

Plaintiffs,

v.

AGILENT TECHNOLOGIES, INC., a
Delaware Corporation; and DOES 1
through 20, inclusive,

Defendants.

No. C 04-5436-SC

ORDER GRANTING
DEFENDANT'S MOTION
FOR TRANSFER OF VENUE

I. Introduction

Presently before this Court is Defendant's Motion to Transfer Venue to the District of Delaware. Having considered the papers submitted, this Court grants Defendant's motion and transfers this action to the District of Delaware.

II. Discussion

Plaintiffs, five individuals who reside in either Delaware or New Jersey, filed an action in this District against their former employer, Agilent Technologies, Inc. ("Agilent" or "Defendant"), alleging wrongful termination from their jobs at Agilent's Little Falls facility in Willmington, Delaware. Defendant moves this Court for a transfer of venue pursuant to 28 U.S.C. § 1404(a).

1 Defendant asserts that the United States District Court for the
2 District of Delaware is a more convenient forum because Delaware
3 is where all the relevant events took place and where the majority
4 of the witnesses and parties reside.

5 Under § 1404(a), the Court may transfer an action to another
6 district: (1) for the convenience of the parties, (2) for the
7 convenience of the witnesses, and (3) in the interest of justice
8 provided that the action might have been brought in the transferee
9 court. 28 U.S.C. § 1404(a). Transfer is within the Court's
10 discretion, but in no case may an action be transferred to a
11 district where venue would not have been proper if it had
12 originally been filed there. Generally, a plaintiff's choice of
13 forum is given "special weight." Decker Coal v. Commonwealth
14 Edison Co., 805 F.2d 834, 843 (9th Cir. 1986). This consideration
15 is greatly diminished, however, when plaintiff's choice of forum
16 is other than where he resides. Paul v. International Precious
17 Metals Corp., 613 F.Supp. 174 (D.Miss. 1985).

18 The facts of this case indicate that Delaware provides the
19 most convenient forum. Plaintiffs were employed in Delaware,
20 their employment was terminated in Delaware, and the conduct for
21 which they were terminated occurred in Delaware. Moreover,
22 Plaintiffs reside in Delaware or nearby, in New Jersey.
23 Defendant's witnesses are also Delaware employees of Agilent, who
24 live and work in Delaware.

25 Plaintiffs only objection to the transfer of venue appears to
26 be that this case is tangential to another case filed in the
27
28

Northern District of California before Judge Chesney.¹ See
Williams, et al. v. Agilent Technologies, Inc., Case No. 3:04-CV-
1810 MMC. Judge Chesney has clearly ruled that the present case
is not related to the case before her. This Court also finds the
asserted relation to the Williams case unavailing.

III. Conclusion

For the foregoing reasons, the venue transfer motion is
GRANTED and this action is TRANSFERRED to the District of
Delaware.

IT IS SO ORDERED.

Dated: April 22, 2005

/s/ Samuel Conti
UNITED STATES DISTRICT JUDGE

¹Plaintiffs also make an unsupported argument that transfer to
Colorado might be appropriate. This Court declines Plaintiffs
invitation to transfer this case to yet another state with little
or no relation to the events and parties.